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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,019	11/27/2000	Elwyn B. Davies	476-2041	5640

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EXAMINER

MEHRA, INDER.P

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/723,019

Applicant(s)

DAVIES ET AL.

Examiner

Inder P. Mehra

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/28/05.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to application dated: 7/28/05. Based on this amendment claims 1-23 are pending.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/28/05 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-9, 11-14, 16-18 and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mikkonen et al** (US Patent No. 6,501,741), hereinafter, '741, in view of **Das et al** (US patent No. 6,742,036), hereinafter '036, further, in view of **Ahmed et al** (US Patent No. 6,735,202), hereinafter, Ahmed.

For claims 1, 6, 11, 16-18 and 22, Mikkonen '741 discloses "a communications system comprising a first node (Internet host, col. 3 lines 35-60)----communicating with sender host (Internet host, col. 3 lines 35-60) via communication network (col. 3 lines 30-40)----communication protocol (IPv6, col. 3 lines 5-10, and col. 5 lines 60-65)----dynamic address

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variation facility (dynamic address col. 3 lines 55-60) for managing mobility (col. 6 lines 22-24) of the first node -----the communication protocol (IPv6, col. 3 lines 5-10, and col. 5 lines 60-65, col. 3 lines 35-40, col. 5 lines 64-66, col. 10 lines 15-20)----to support use of the use of second address to identify the first node instead of the first address in response to the non-mobility related requirement to use the second address to identify the first node for communication a packet between the first node and the second node (refer to col. 3 line 65-col. 4 line 2).

Mikkonen '741 does not disclose explicitly the following limitations, which are disclosed by Das's '036, as follows :

- “to support use of second address to identify the first node instead of the first address in response to the non-mobility related requirement to use the second address to identify the first node” (if confirmation fails to occur----the server agent releases an address from existing pool ----for dynamic addressing----IP address matching, refer to col. 3 lines 29-40).

Ahmed discloses:

- wherein the communications protocol is arranged to use the dynamic address variation facility to support a use of a second address of the first node associated with a second path from said node to the communications network to identify the first node instead of the first address in response to a non-mobility related requirement to use the second address to identify the first node for communicating a packet between the first node and the second node” (refer to “**The method may further comprise the step of changing the temporary location IP address assigned to the mobile user station when the station becomes associated with another network node of the**

communications system, the changed address being a combination of the identifier of the mobile user station and an identifier of the new network node.

The method may further comprise the step of assigning a location IP address to a network node in the communications system, the address being a combination of an identifier of the network node and a common identifier of mobile user stations in the communications system”, refer to col. 2 lines 30-44).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of, “to support use of second address to identify the first node instead of the first address”. This capability can be implemented by combining the system as taught by Das’s ‘036 and Ahmed’s system. The suggestion/motivation to do so would have been to provide quality of service in wireless network and thus support mobility.

For claims 2-4, 7-9, and 12-14, Mikkonen ‘741 discloses all the limitations of subject matter with the exception of the following limitations, which are disclosed by Das’s ‘036:

- “ use the second address to identify the first node ---requirement to use the second address---- the first node”, *as recited by claims 2, 7 and 12*, (if confirmation fails to occur----the server agent releases an address from existing pool ----for dynamic addressing----IP address matching, refer to col. 3 lines 29-40).
- “ use the second address to communicate a packet between the first node --- requirement to use the second address---- the first node”, *as recited by claims 3, 8 and 13*, (if confirmation fails to occur----the server agent releases an address from

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existing pool ----for dynamic addressing----IP address matching, refer to col. 3 lines 29-40).

- “use the second address to communicate a packet between the first node --- requirement to route the packet originating from the second node to a third node”, *as recited by claims 4, 9 and 14*, (if confirmation fails to occur----the server agent releases an address from existing pool ----for dynamic addressing----IP address matching, refer to col. 3 lines 29-40).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of, “to support use of second address to identify the first node instead of the first address”. This capability can be implemented by combining the system as taught by Das’s ‘036. The suggestion/motivation to do so would have been to provide quality of service in wireless network and thus support mobility.

5. Claims 5, 10, 15, 19-21, and 23, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mikkonen et al**, hereinafter, ‘741, in view of **Das et al**, hereinafter ‘036, further in view of **Lemilainen et al** (US Patent No. 6,681,259), hereinafter Lemilainen, and, further, in view of, **Ahmed et al** (US Patent No. 6,735,202), hereinafter, Ahmed.

For claims 5, 10, 15, 19-21, and 23, Mikkonen ‘0741 discloses “a communications system comprising a first node (Internet host, col. 3 lines 35-60) associating with routing packets (abstract, col. 8 lines 15-20) from a second node to the first node via a first access network of a first network of a first type (radio interface, fig. 5) and a second address associated with routing packets from the second node to the first node via a second access network of a second type

(GSM or digital cellular network, in fig. 5); the first and second types are different and interconnected by the intermediary network (SGSN, in fig. 5) being arranged to operate in accordance with a communications protocol ((IPv6, col. 3 lines 5-10, and col. 5 lines 60-65) having a dynamic address variation facility (dynamic address col. 3 lines 55-60) for managing mobility (col. 6 lines 22-24) of the first node -----the communication protocol (IPv6, col. 3 lines 5-10, and col. 5 lines 60-65, col. 3 lines 35-40, col. 5 lines 64-66, col. 10 lines 15-20)----to support use of the second address -----to identify the first node -----in response to the non-mobility related requirement to use the second address to identify the first node for communication a packet between the first node and the second node (refer to col. 3 line 65-col. 4 line 2).

Mikkonen '741 does not disclose explicitly the following limitations, which are disclosed by Das's '036, Lemilainen's '259 and , Ahmedas follows :

- Das's '036 discloses "to support use of second address to identify the first node instead of the first address in response to the non-mobility related requirement to use the second address to identify the first node" (if confirmation fails to occur----the server agent releases an address from existing pool ----for dynamic addressing----IP address matching, refer to col. 3 lines 29-40).
- Lamilainen discloses "to support use of second address to identify the first node instead of the first address in response to the non-mobility related requirement to use the second address to identify the first node" (a terminal A according to the invention can be connected for example to a wireless local area network WLAN or to a GSM mobile communication network MNW", refer to col. 9 lines 15-32;

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- Lamilainen discloses “first access network of first type ----second access network of second type; and the first and second types are different” (furthermore, in a terminal A there are several network interface adapters NIC1, NIC2, NIC3 available for coupling to data transmission networks of different types, refer to col. 4 lines 20-25), and are connected by intermediary network” (connected by Internet NW1, fig. 6, refer to col. 9 lines 20-30.).
- Lamilainen discloses “computer executable software code stored on a computer readable medium, **as recited by claims 19, -21 and 23**”, refer to col. 4 lines 20-25 and
fig. 2.
- Ahmed discloses: “wherein the communications protocol is arranged to use the dynamic address variation facility' to support a use of the second address instead of the first address to identify the first node for communicating a packet between the first node and the second node in response to a requirement of the first node to communicate with the second node via the second access network instead of the first access network”, (refer to col. 3 line 65-col. 4 line 2).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of, “to support use of second address to identify the first node instead of the first address”. This capability can be implemented by combining the system as taught by Das's '036 and Ahmed's system. The suggestion/motivation to do so would have been to provide quality of service in wireless network and thus support mobility.

Response to Arguments

6. Applicant's arguments filed 7/28/05 have been fully considered but they are not persuasive.

a. Applicant argues "It can be seen, therefore, that neither Mikkonen nor Das in combination teach all of the claims limitations of claim 1 as amended. It can also be concluded that the modification of Mikkonen by Das cannot result in the arrangement of the present invention since neither teaches using a communications protocol having a dynamic address variation facility for managing mobility to identify one of a number of IP addresses for a node based on a non-mobility related requirement. Further, it can be concluded that a skilled addressee would not be motivated to combine Mikkonen and Das since neither addresses the issue of selecting paths based on a non-mobility related requirement. In fact, each addresses the allocation of IP addresses to mobile nodes in response to a mobility related requirement in ways that result in similar consequences.

Further, applicant argues "These latter claims refer to first and second access networks etc. Neither Mikkonen nor Das teach the selection of different access networks having respective IP addresses using a communications protocol having a dynamic address variation facility for managing mobility to identify one of said IP addresses based on a non-mobility related requirement.

In response, it is stated that Ahmed discloses the issue of selecting paths based on a non-mobility related requirement. Ahmed discloses "**The method may further comprise the step of changing the temporary location IP address assigned to the mobile user station when the**

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station becomes associated with another network node of the communications system, the changed address being a combination of the identifier of the mobile user station and an identifier of the new network node. The method may further comprise the step of assigning a location IP address to a network node in the communications system, the address being a combination of an identifier of the network node and a common identifier of mobile user stations in the communications system", refer to col. 2 lines 30-44).

b. Applicant argues "The Examiner will be aware that in ex parte examination of patent applications, the Patent and Trademark office bears the burden of establishing a prima facie case of obviousness---.

In response, it is stated that it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In light of above explanation, applicant's arguments are not persuasive.

Conclusion

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P. Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Inder Pal Mehra
Inder P Mehra
Examiner
Art Unit 2666
9/20/05

DANG TON
PRIMARY EXAMINER